

## **REMARKS**

Claims 1-12, 14-19 and 21 are pending in this application. Claims 1, 2, 9-12 and 21 are rejected in view of prior art. Applicants note with appreciation that Claims 3-8 and 14-19 are indicated to be allowable if rewritten to include the limitations set forth in the claims from which they depend. Claim 13 is cancelled by this amendment, and Claim 14 is amended to incorporate all the limitations of base Claim 13. Accordingly, Claims 14-19 are now in condition for allowance. Applicant respectfully traverses the rejections of Claims 1, 2, 9-12 and 21 in view of the amendments presented in this response. Reconsideration and allowance of the rejected claims is requested in view of the following remarks.

### **I. The Claims Are Not Anticipated Or Rendered Obvious By Miyachi.**

Claims 1, 10 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,960,756 to Miyachi et al. (hereinafter "Miyachi"). Claims 2, 9, 11 and 12 are rejected under 35 U.S.C. § 103(a) as being obvious over Miyachi in view of U.S. Patent Application Publication No. 2004/0065285 to Uludogan et al. (hereinafter "Uludogan").

As amended, Claims 1, 2, 9-12 and 21 recite that the claimed valve seating device includes a "at least two hydraulic elements which are displaced relative to each other and hydraulically pressurized during a valve seating event". Miyachi does not disclose a valve seating device that includes "at least two hydraulic elements." The Office asserts that element 45 of Fig. 7 of Miyachi constitutes the claimed valve seating device. Miyachi states that element 45 is "a fulcrum member." See Miyachi at column 3, line 38. The fulcrum member disclosed in Miyachi is not a valve seating device that

includes at least two hydraulic elements. The fulcrum member in Miyachi does not include any hydraulic elements, and does not provide valve seating. With reference to the specification of Miyachi, when the holding member **28** is allowed to move relative to the cylinder head **50**, “the holding member **20** and the arm shaft **12** move downward and the first rocker arm **11** is oscillated around the fulcrum member **45** as shown in Fig. 7.” See Miyachi at column 6, lines 26-34. Unlike the claimed valve seating device, fulcrums are fixed elements about which other elements may rotate. Reconsideration and withdrawal of the rejections of Claims 1, 10 and 21 is respectfully requested in view of the foregoing remarks.

Claims 2, 9, 11 and 12 are asserted to be obvious over Miyachi in view of Uludogan. The Office asserts that Claims 2, 9, 11 and 12 are obvious because Uludogan teaches a valve seating device comprising a lash piston **53** (reference numeral **53** actually refers to the wall of the body member **46**) and a seating piston **48**. Perusal of Uludogan reveals that the body member **46** shown in Fig. 1a does not serve as a “lash piston” and that the piston **48** does not serve as a seating piston as defined by the specification of the present application. In fact, Uludogan does not disclose a valve seating device in any manner. The body member **46** and the piston **48** of Uludogan serve as master and slave pistons, respectively, provided between an exhaust cam **40** and a rocker arm **64**. The master and slave pistons of Uludogan are akin to the master piston **110** and slave piston **120** shown in Fig. 3 of the present application (*i.e.*, an embodiment of the claimed “lost motion” system) which necessarily means that they cannot also serve as the lash piston and seating piston of the separate and distinct valve seating device shown as element **200** in the same figure. Accordingly,

the combination of Miyachi and Uludogan do not disclose all elements of the claimed invention and reconsideration and withdrawal of the rejection of Claims 2, 9, 11 and 12 is requested.

## II. Conclusion

Applicant respectfully submits that the claims of the present invention define patentable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicant's attorney at the telephone number below.

It is believed that the fee for a one month extension of time is required for consideration of the present amendment in connection with the filing of a Request for Continued Examination. The Commissioner is hereby authorized to charge this fee, including any deficiency or credit of any overpayment, to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicant's attorney to arrange for payment.

Respectfully submitted,



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DAVID R. YOHANNAN, Reg. No. 37,480  
KELLEY DRYE & WARREN, LLC  
3050 K Street, N.W., Suite 400  
Washington, D.C. 20007  
(202) 342-8400